

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STEVE STAEHR, Derivatively on Behalf of	:	
Morgan Stanley,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	
JOHN J. MACK, ZOE CRUZ, EILEEN K.	:	
MURRAY, GARY G. LYNCH, THOMAS R.	:	
NIDES, THOMAS V. DAULA, COLM	:	07 Civ. 10368 (GEL)
KELLEHER, LAURA D. TYSON, C. ROBERT	:	
KIDDER, ROY J. BOSTOCK, ERSKINE B.	:	
BOWLES, SIR HOWARD J. DAVIES,	:	NOTICE OF DEFENDANTS'
DONALD T. NICHOLAISEN, CHARLES H.	:	JOINT MOTION TO DISMISS THE
NOSKI, HUTHAM S. OLAYAN, CHARLES E.	:	VERIFIED SHAREHOLDERS'
PHILLIPS, JR., O. GRIFFITH SEXTON,	:	<u>DERIVATIVE COMPLAINT</u>
KLAUS ZUMWINKEL, and DAVID H.	:	
SIDWELL,	:	
	:	ORAL ARGUMENT REQUESTED
Defendants,	:	
	:	
-and-	:	
	:	
MORGAN STANLEY, a Delaware corporation,	:	
	:	
Nominal Defendant.	:	
	:	
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PLEASE TAKE NOTICE that upon the annexed declaration of Robert F. Wise, Jr., dated May 5, 2008, and the annexed exhibits, and the accompanying Memorandum of Law in Support of the Motion to Dismiss submitted herewith, Defendants will move this Court, before the Honorable Gerard E. Lynch, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order:

(a) granting Defendants' Motion to Dismiss the Verified Shareholders Derivative Complaint, pursuant to Rule 23.1 of the Federal Rules of Civil Procedure, as well as Rules 9(b) and 12(b)(6) and section 78u-4(b) of the Private Securities Litigation Reform Act of 1995; and

(b) granting such other and further relief as the Court deems just and proper.

Pursuant to the Stipulation to Extend Time Ordered by the Court on March 6, 2008 (Docket No. 4), Plaintiff's opposition papers, if any, shall be served on or before June 19, 2008, and Defendants' reply papers shall be served on or before July 10, 2008.

Dated: New York, NY  
May 5, 2008

SIMPSON THATCHER & BARTLETT  
LLP

DAVIS POLK & WARDWELL

By: /s/ Bruce Angiolillo

By: /s/ Robert F. Wise, Jr.

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